IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE FOURTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO : 373 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 09/08/2004 in WP NO : 8450 OF 1996 on the file of the High Court.)

Between:

1. The State Bank of India, rep.by its General Manager, Bank Street, Hyderabad, Hyderabad circle.

2. The Regional Manager, Region-II, State Bank of India, Bank Street, Hyderabad.

3. The Branch Manager, State Bank of India, Marketyard Branch, Kurnool.

..... APPELLANTS

AND

S.Noor Ahmed, S/o.Khaja Mia, working as Duftry, State Bank of India, Marketyard Branch, Kurnool.

.....RESPONDENT

Counsel for the Appellants:MR.B.G.RAVINDER REDDY

Counsel for the Respondent: MR.V.JOGAIAH SARMA

The Court made the following :

JUDGMENT: (Per Hon'ble Smt T. Meena Kumari,J)

This writ appeal is filed by the appellants aggrieved by the order dated 9-8-2004 in W.P.No.8450 of 1996 wherein the learned Single Judge allowed the writ petition directing the appellants-Bank to compute and pay all the benefits including salary and emoluments, allowances and other benefits to which the writ petitioner is eligible for his out of service period, within three months from the date of receipt of a copy of that order.

The appellants herein are the respondents in the writ petition. Originally, the writ petition was filed seeking a direction in the nature of writ of mandamus to declare that he is entitled to be paid the back wages for the period commencing from 22-12-1982, the date on which he was suspended from service to the date of his reinstatement i.e., 25-3-1992 treating it as duty period and to direct the appellants to grant the difference of emoluments commencing from 22-12-1982 by fixing his pay at an appropriate stage by treating his service as continuous and pay interest at the rate of 18% per annum and to grant consequential benefits such as seniority and promotion.

The case of the writ petitioner is that he was suspended on 22.12.1982 on the allegation of suppression of his conviction prior to entering into service and subjected to disciplinary enquiry and discharged from service by an order dated 25-03-1986, and the same was quashed by an order dated 3.12.1991 in W.P.No.13251 of 1986 and he was reinstated into service on 17.3.1992, but without back wages. Then, he made a representation, dated 10-09-2002 for fixation of his salary and allowances at the appropriate stage giving due benefits for continuous service and for payment of arrears of salary for his out of service period on account of the illegal order of discharge and for the benefits of promotion during the interregnum and the same was rejected by the appellants by an order dated 28-06-1993. Therefore, he

filed the above said writ petition for payment of back wages.

The learned Single Judge having observed that in view of the quashing of discharge order in W.P.No.12351 of 1986, the petitioner cannot be made to suffer by way of deprivation of salary, emoluments or the promotion avenues, allowed the writ petition with the above said direction.

Heard both the counsel.

The learned counsel for the appellants contends that pursuant to the orders of this Court in the earlier writ petition, the writ petitioner was reinstated into service, but no direction was given by this Court in respect of payment of back wages and other benefits to the writ petitioner and therefore, this writ petition is not maintainable and the order of the learned Single Judge is liable to be set aside.

On the other hand, the learned Counsel for the writ petitioner reiterated the contentions that were raised before the learned Single Judge.

A perusal of the record goes to show that the writ petitioner filed the earlier writ petition questioning the discharge order only and he did not seek any other consequential benefits therein and therefore, this Court has granted relief sought for therein and has not granted any relief with regard to his consequential benefits on his reinstatement. Once this Court has quashed the discharge order, the right of the writ petitioner in claiming other consequential benefits cannot be deprived on the ground that this Court has not granted any relief with regard to payment of back wages. Therefore, We do not agree with the contentions raised by the appellants.

In view of the above facts and circumstances, we are of the opinion that the order of the learned Single Judge does not suffer from any infirmity and illegality and it needs no interference by this Court.

Accordingly, the Writ Appeal is dismissed. No order as to costs.

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T.MEENA KUMARI , J

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P.LAKSHMANA REDDY,J

Dated:14-06-2005

Sj/Nn

To

1. The General Manager, State Bank of India, Bank Street, Hyderabad, Hyderabad, Circle.

2. The Regional Manager, Region-II, State Bank of India, Bank Street, Hyderabad.

3. The Branch Manager, State Bank of India, Marketyard Branch, Kurnool.

4. Two C.D. copies.